

T1.11/3 : 10/20

Customs Bulletin

Regulations, Rulings, Decisions, and Notices
concerning Customs and related matters



and Decisions of the United States Court of Customs and Patent Appeals and the United States Customs Court

Vol. 10

MAY 19, 1976

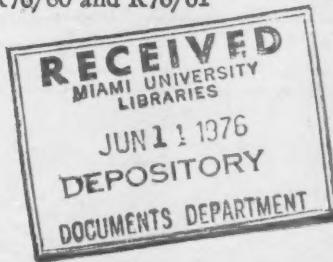
No. 20

This Issue Contains

T.D. 76-121 through 76-133

Protest abstracts P76/114 through P76/116

Reap. abstracts R76/60 and R76/61



DEPARTMENT OF THE TREASURY
U.S. Customs Service

Customs Bulletin

Official Journal of the U.S. Customs Service
Government of the United States

Abstracts and Decisions

of the United States Court of Customs and
Patent Appeals and the United States

NOTICE

The abstracts, rulings, and notices which are issued weekly by the U.S. Customs Service are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Logistics Management Division, Washington, D.C. 20229, of any such errors in order that corrections may be made before the bound volumes are published.

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For sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Price 85 cents (single copy). Subscription price: \$43.70 a year; \$10.95 additional for foreign mailing.

01-526-012

should not be construed as or holding otherwise than to make it clear that
a provision relating thereto may be found elsewhere.

Foreign currencies included in Part 159, Tariff Act of 1930.

Rate of exchange for foreign currencies. (Customs Department, Tariff and Trade Bureau)

U.S. Customs Service

(T.D. 76-121)

Foreign currencies—Quarterly list of rates of exchange

Lists of buying rates in U.S. dollars certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for use during the quarter shown

DEPARTMENT OF THE TREASURY,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., April 19, 1976.

The appended table lists the buying rates in U.S. dollars for certain foreign currencies first certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under the provisions of section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), for a day in the quarter shown. These rates of exchange are published for the information and use of Customs Officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

(LIQ-3)	Yen	JAMES D. COLEMAN, for JOHN B. O'LOUGHLIN, Director, Duty Assessment Division.
111530	Pound	
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List of values of foreign currencies certified to the Secretary of the Treasury by the Federal Reserve Bank of New York under provisions of section 522(c), Tariff Act of 1930, as amended

QUARTER BEGINNING APRIL 1 TO JUNE 30, 1976

Country	Name of Currency	U.S. Dollars
Australia.....	Dollar.....	\$1.2465
Austria.....	Schilling.....	.0550
Belgium.....	Franc.....	.025730
Canada.....	Dollar.....	1.0157
Denmark.....	Krone.....	.1643
Finland.....	Markka.....	.2608
France.....	Franc.....	.2136
Germany.....	Deutsche Mark.....	.3958
India.....	Rupee.....	.1115
Ireland.....	Pound.....	1.8840
Italy.....	Lira.....	.001189
Japan.....	Yen.....	.003339
Malaysia.....	Dollar.....	.3911
Mexico.....	Peso.....	.0800
Netherlands.....	Guilder.....	.3725
New Zealand.....	Dollar.....	1.0181
Norway.....	Krone.....	.1816
Portugal.....	Escudo.....	.0341
South Africa.....	Rand.....	1.1480
Spain.....	Peseta.....	.014930
Sri-Lanka.....	Rupee.....	.1240
Sweden.....	Krona.....	.2274
Switzerland.....	Franc.....	.3958
United Kingdom.....	Pound.....	1.8840

(TID: 76-122)

Foreign currencies—Daily rates for countries not on quarterly list

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., April 20, 1976.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Hong Kong dollar:

April 5, 1976.....	\$0.2031
April 6, 1976.....	.2031
April 7, 1976.....	.2031
April 8, 1976.....	.2031
April 9, 1976.....	.2015

Iran rial:

April 5-9, 1976.....	\$0.0144
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Philippines peso:

April 5-9, 1976.....	\$0.1330
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Singapore dollar:

April 5, 1976.....	\$0.4026
April 6, 1976.....	.4023
April 7, 1976.....	.4023
April 8, 1976.....	.4020
April 9, 1976.....	.4027

Thailand baht (tical):

April 5-9, 1976.....	\$0.0490
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(Liq-3) *JAMES D. COLEMAN,
for JOHN B. O'LOUGHLIN,
Director,
Duty Assessment Division.*

CUSTOMS

(T.D. 76-123)

Cotton textiles—Visa requirement

Restriction on entry of cotton textiles and cotton textile products
manufactured or produced in Brazil.

DEPARTMENT OF THE TREASURY,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., April 30, 1976.

There is published below the directive of April 23, 1976, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the visa requirement for cotton textiles and cotton textile products manufactured or produced in Brazil. This directive further amends, but does not cancel, that Committee's directive of June 29, 1972 (T.D. 72-200).

This directive was published in the **FEDERAL REGISTER** on April 28, 1976 (41 FR 17809), by the Committee.

(QUO-2-1)

JAMES D. COLEMAN,
for JOHN B. O'LOUGHLIN
Director,
Duty Assessment Division.

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

April 23, 1976.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

This directive further amends, but does not cancel, the directive of June 29, 1972 from the Chairman, Committee for the Implementation Textile Agreements, that directed you to prohibit, under certain

specific conditions, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in the Federative Republic of Brazil, for which that Government had not issued an appropriate visa. One of the requirements is that each visa include the signature of a Brazilian official authorized to issue visas.

Pursuant to the provisions of the Bilateral Cotton Textile Agreement of October 23, 1970, as amended, between the Governments of the United States and the Federative Republic of Brazil, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, the directive of June 29, 1972 is further amended, effective on April 28, 1976, to authorize the following Brazilian officials to issue visas, in addition to those previously designated in our letters of January 25, 1974 and November 7, 1974:

Jose Magno de Leao Brasil

Flavio Eduardo de Patricio Ribeiro

Jose Coracy de Souza Coelho

Messrs. Jose Eynard de Arruda Furtado, Jose Francisco Reboucas Lins, and Darcy Furtado Rocha will no longer issue visas. A complete list of Brazilian officials currently authorized to issue visas is enclosed.

The actions taken with respect to the Government of the Federative Republic of Brazil and with respect to imports of cotton textiles and cotton textile products from Brazil have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553. This letter will be published in the **FEDERAL REGISTER**.

Sincerely,

ALAN POLANSKY

Chairman, Committee for the Implementation

of Textile Agreements, and

Deputy Assistant Secretary for

Resources and Trade Assistance

U.S. Department of Commerce

Officials of the Federative Republic of Brazil Authorized to Issue Visas for Cotton Textiles and Cotton Textile Products Exported to the United States

Honorio Onofre de Abreu	Francisco Magalhaes
Alvaro de Sa Andrade	Nelson Duran Mascia
Francisco Sampaio de Araujo	Clidenor Jacob Medeiros
Jose Carlos de Araujo	Rolando Missfeldt
Nelson Geraldo Avellar	Arnaldo Nogueira Junior
Alvaro Volpe Bacalar	Renato de Arruda Penteado Junior
Eduardo Jose Ferreira Barnes	Joffre Pereira
Antonio Carlos Bastos Junior	Elmo Pignatano
Henrique Reis Bergan	Rufino Cancio Pires
Jose Magno de Leao Brasil	Fauzi Rahme
Jose Coracy de Souza Coelho	Luiz Ramina
Octavio de Almeida Ribeiro Dantas	Flavio Eduardo de Patricio Ribeiro
Aluysio Almeida Diniz	Lair Passos Saraiva
Jose Maria Duprat	Flavio Scottini
Fued Farhat	Isaac Carneiro da Silva
Jayme Lobo Ferreira	Nestor de Almeida e Silva
Antonio Bezerra de Figueiredo	Onofre Marques da Silva Junior
Darcy Mattos Fonseca	Geraldo de Souza
Mario Jofre Pinto de Freitas	Nilo Augusto Borges Teixeira
Publio Jackson Furiatti	Ernio Antonio Thimmig
Eudes Izar	Dario Raphael Tobar
Mario Emilio Kreibich	Danilo Octavio de Toledo
Osvaldo Ladewig	Roberto Varella
Gilfredo Vieira Lessa	Jaire Perez de Vasconcellos
Antonio Lins	Armando Vulcano
Jarbas Cezar Loureiro	Celso Mario Zipf

(T.D. 76-124)

Cotton textile products—Restriction on entry

Restriction on entry of cotton textile products manufactured or produced in
Pakistan

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 30, 1976.

There is published below the directive of April 26, 1976, received
by the Commissioner of Customs from the Chairman, Committee for

DEPARTMENT OF COMMERCE
CUSTOMS

the Implementation of Textile Agreements, amending the level of restraint established in the directive of December 19, 1975 (T.D. 76-20), for cotton textile products, category 31, manufactured or produced in Pakistan.

This directive was published in the FEDERAL REGISTER ON April 28, 1976 (41 FR 17812), by the Committee.

(QUO-2-1)

JAMES D. COLEMAN,

for JOHN B. O'LOUGHLIN,

Director,

Duty Assessment Division.

ALICE POLKINGHORNE

THE ASSISTANT SECRETARY OF COMMERCE

WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

April 26, 1976.

COMMISSIONER OF CUSTOMS (621-B7.C.T.)

Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

On December 19, 1975, the Chairman, Committee for the Implementation of Textile Agreements, directed you to prohibit entry during the twelve-month period beginning January 1, 1976 and extending through December 31, 1976 of cotton textile products in certain specified categories, produced or manufactured in Pakistan, in excess of designated levels of restraint. The Chairman further advised you that the levels of restraint are subject to adjustment.¹

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to paragraphs 6(b) and 7(a)(ii) of the Bilateral Cotton Textile Agreement of May 6, 1975, between the Governments of the United States and Pakistan, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to amend, effective on April 27, 1976, the levels of restraint established for Category 31 to 15,017,022 pieces for the twelve-month period which began on January 1, 1976.²

¹ The term "adjustment" refers to those provisions of the Bilateral Cotton Textile Agreement of May 6, 1975 between the Governments of the United States and Pakistan which provide, in part, that (1) within the aggregate and applicable group limits, specific levels of restraint may be exceeded by designated percentages; (2) these levels may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement.

² The level has not been adjusted to reflect any entries made after December 31, 1975.

The actions taken with respect to the Government of Pakistan and with respect to imports of cotton textile products from Pakistan have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **FEDERAL REGISTER**.

Sincerely,

ALAN POLANSKY

*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance
U.S. Department of Commerce*

(T.D. 76-125)

Cotton and manmade fiber textiles—Restriction on entry

Restriction on entry of cotton and manmade fiber textile products in certain categories manufactured or produced in Haiti

DEPARTMENT OF THE TREASURY,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., April 30, 1976.

There is published below the directive of April 13, 1976, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction on entry into the United States of cotton and manmade fiber textile products in certain categories manufactured or produced in Haiti.

This directive was published in the **FEDERAL REGISTER** on April 16, 1976 (41 FR 16203), by the Committee.

(QUO-2-1)

JAMES D. COLEMAN,
for JOHN B. O'LOUGHLIN,

Director,

Duty Assessment Division.

CUSTOMS

9

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

April 13, 1976.

COMMISSIONER OF CUSTOMS

Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

This directive cancels and supersedes the directive issued to you on September 22, 1975 by the Chairman of the Committee for the Implementation of Textile Agreements, which directed you to prohibit entry of cotton textiles and cotton textile products in certain specified categories, produced or manufactured in Haiti and exported to the United States during the twelve-month period which began on October 1, 1975, in excess of the designated levels of restraint. It also cancels the directives of October 24, 1975 and February 25, 1976 regarding imports of man-made fiber textile products in Categories 214, 219, 228, 229, 233 and 238.

Under the terms of the Arrangement Regarding International Trade in Textiles done at Geneva on December 20, 1973, pursuant to the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of March 23, 1976, between the Governments of the United States and Haiti, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on April 20, 1976, and for the twelve-month period beginning on January 1, 1976 and extending through December 31, 1976, entry into the United States for consumption of cotton textile products in Categories 39, 45/46/47, 51, 53, 54, and 63 and man-made fiber textile products in Categories 214, 216, 217, 219, 222, 223, 224, 225, 228, 229, 230, 233, 235, 237, 238, and 239, in excess of the following levels of restraint:

Category	Twelve-Month Level of Restraint
39	283,527 dozen pairs
45/46/47	2,000,000 square yards equivalent
51	56,189 dozen
53	22,075 dozen
54	40,000 dozen
63	434,783 pounds

See footnote at end of table.

<i>Category</i>	<i>Twelve-Month Level of Restraint</i>
214	566,572 dozen pairs
216	44,150 dozen
217	38,491 dozen
219	258,715 dozen
222	207,865 dozen
223	125,000 dozen
224	589,744 pounds
225	673,684 dozen
228	254,646 dozen
229	99,394 dozen
230	55,188 dozen
233	192,488 dozen
235	81,766 dozen
237	444,444 numbers
238	258,427 dozen
239	221,250 dozen

¹The levels of restraint have not been adjusted to reflect any entries made after December 31, 1975.

Entries of cotton and man-made fiber textile products, produced or manufactured in Haiti, which have been exported to the United States prior to January 1, 1976 shall not be subject to this directive.

Cotton textile products in Category 54 and man-made fiber textile products in Categories 216, 217, 222, 223, 224, 225, 230, 235, 237, and 239 which have been released from the custody of the U.S. Customs Service under the provisions of 19 U.S.C. 1448(b) before the effective date of this directive shall not be denied entry under this directive.

The levels of restraint set forth above are subject to adjustment in the future pursuant to the provisions of the bilateral agreement of March 23, 1976, between the Governments of the United States and Haiti which provide, in part, that: (1) the aggregate, group and specific limits will be increased 7 percent annually; (2) specific ceilings may be increased for carryover and carryforward up to 11 percent of the applicable category limit; (3) consultation levels may be increased within the aggregate and applicable group limits upon agreement between the two governments; and (4) administrative arrangements or adjustments may be made to resolve minor problems arising in the implementation of the agreement. Any appropriate future adjustments under the provisions of the bilateral agreement referred to above will be made to you by letter.

The actions taken with respect to the Government of Haiti and with respect to imports of cotton and man-made fiber textile products from Haiti have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rulemaking provisions of 5. U.S.C. 553. This letter will be published in the **FEDERAL REGISTER**.

Sincerely,

ALAN POLANSKY

*Chairman, Committee for the Implementation
of Textile Agreements, and*

*Deputy Assistant Secretary for
Resources and Trade Assistance
U.S. Department of Commerce*

(T.D. 76-126)

Cotton textiles—Restriction on entry

Restriction on entry of cotton textiles and cotton textile products in certain categories manufactured or produced in El Salvador

DEPARTMENT OF THE TREASURY,

OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., April 30, 1976.

There is published below the directive of April 19, 1976, received by the Commissioner of Customs from the Chairman, Committee for the Implementation of Textile Agreements, concerning the restriction on entry into the United States of cotton textiles and cotton textile products in certain categories manufactured or produced in El Salvador.

This directive was published in the **FEDERAL REGISTER** on April 22, 1976 (41 FR 16861), by the Committee.

(QUO-2-1)

**JAMES D. COLEMAN,
for JOHN B. O'LOUGHLIN,
Director,
Duty Assessment Division.**

THE ASSISTANT SECRETARY OF COMMERCE
WASHINGTON, D.C. 20230

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

April 19, 1976.

COMMISSIONER OF CUSTOMS
Department of the Treasury
Washington, D.C. 20229

DEAR MR. COMMISSIONER:

Under the terms of the Bilateral Cotton Textile Agreement of April 19, 1972, as amended and extended, between the Governments of the United States and El Salvador, and in accordance with the provisions of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective on April 22, 1976 and for the twelve-month period beginning on April 1, 1976, and extending through March 31, 1977, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 15 and 31, produced or manufactured in El Salvador, in excess of the following levels of restraint:

Category	Twelve-Month Levels of Restraint
1/2/3/4	435,966 pounds
9	1,769,513 square yards
15	1,179,675 square yards
31	1,694,935 numbers

In carrying out this directive, entries of cotton textiles and cotton textile products in Categories 1/2/3/4, 9, 15 and 31, produced or manufactured in El Salvador, which have been exported to the United States from El Salvador prior to April 1, 1976, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such goods for the twelve-month period beginning April 1, 1975 and extending through March 31, 1976. In the event the levels of restraint for that twelve-month period have been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of April 19, 1972, as amended and extended, between the Governments of the United States and El Salvador.

A detailed description of the categories in terms of TSUSA numbers was published in the FEDERAL REGISTER on February 3, 1975 (40 FR 5010), as amended on December 31, 1975 (40 FR 60220).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of El Salvador and with the respect to imports of cotton textiles and cotton textile products from El Salvador have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the **FEDERAL REGISTER**.

Sincerely,

ALAN POLANSKY

*Chairman, Committee for the Implementation
of Textile Agreements, and
Deputy Assistant Secretary for
Resources and Trade Assistance
U.S. Department of Commerce*

(T.D. 76-127)

Antidumping—Primary lead metal from Australia

The Secretary of the Treasury make public a revocation of the finding of dumping with respect to primary lead metal from Australia

**DEPARTMENT OF THE TREASURY,
Washington, D.C., May 3, 1976.**

A finding of dumping with respect to primary lead metal from Australia was published as Treasury Decision 74-128 in the **FEDERAL REGISTER** of April 17, 1974 (39 FR 13783). On January 8, 1976, there was published in the **FEDERAL REGISTER** (41 FR 1502) a "Notice of Receipt and Referral of Petition for Revocation of Dumping Finding" with respect to this merchandise.

The above-referenced notice stated that a petition was received on February 4, 1975, on behalf of several large U.S. consumers of lead metal requesting a revocation of the dumping finding on primary lead metal from Australia and further that such allegations as were made in the petition concerned solely alleged changes in circumstances claimed to affect the earlier injury determination by the Tariff Commission (now the United States International Trade Commission).

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(721-071.G.T) 2017

The notice also stated that, having gathered and analyzed additional price information, this matter was being referred to that Commission for whatever review it deemed appropriate.

In a notice published in the *FEDERAL REGISTER* of April 27, 1976 (41 FR 17628), the United States International Trade Commission announced that on the basis of its investigation into the matter, the Commission had determined that if the finding of dumping were revoked, an industry in the United States would not likely be injured by reason of the importation of primary lead metal from Australia at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Accordingly, I hereby revoke the finding of dumping published as T.D. 74-128, *supra*, effective with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the Commission's determination in the *FEDERAL REGISTER*.

Accordingly, section 153.43 of the Customs Regulations (19 CFR 153.43) is hereby amended by deleting from the column headed "Merchandise", the words "Primary lead metal", from the column headed "Country", the word "Australia", and from the column headed "T.D.", reference to T.D. "74-128".

This determination is published pursuant to section 153.41(b), Customs Regulations (19 CFR 153.41(b)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

(APP-2-04)

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[Published in the *FEDERAL REGISTER* May 7, 1976 (41 FR 18809)]

(T.D. 76-128)

Antidumping—Primary lead metal from Canada

The Secretary of the Treasury makes public a revocation of the finding of dumping with respect to primary lead metal from Canada

DEPARTMENT OF THE TREASURY,
Washington, D.C., May 3, 1976.

A finding of dumping with respect to primary lead metal from Canada was published as Treasury Decision 74-127 in the *FEDERAL*

REGISTER of April 17, 1974 (39 FR 13783). On January 8, 1976, there was published in the FEDERAL REGISTER (41 FR 1502) a "Notice of Receipt and Referral of Petition for Revocation of Dumping Finding" with respect to this merchandise.

The above-referenced notice stated that a petition was received on February 4, 1975, on behalf of several large U.S. consumers of lead metal requesting a revocation of the dumping finding on primary lead metal from Canada and further that such allegations as were made in the petition concerned solely alleged changes in circumstances claimed to affect the earlier injury determination by the Tariff Commission (now the United States International Trade Commission). The notice also stated that, having gathered and analyzed additional price information, this matter was being referred to that Commission for whatever review it deemed appropriate.

In a notice published in the FEDERAL REGISTER of April 27, 1976 (41 FR 17628), the United States International Trade Commission announced that on the basis of its investigation into the matter, the Commission had determined that if the finding of dumping were revoked, an industry in the United States would not likely be injured by reason of the importation of primary lead metal from Canada at less than fair value within the meaning of the Antidumping Act, 1921, as amended.

Accordingly, I hereby revoke the finding of dumping published as T.D. 74-127, *supra*, effective with respect to all merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the notice of the Commission's determination in the FEDERAL REGISTER.

Accordingly, section 153.43 of the Customs Regulations (19 CFR 153.43) is hereby amended by deleting from the column headed "Merchandise", the words "Primary lead metal", from the column headed "Country", the word "Canada", and from the column headed "T.D.", reference to T.D. "74-127".

This determination is published pursuant to section 153.41(b), Customs Regulations (19 CFR 153.41(b)).

(Secs. 201, 407, 42 Stat. 11, as amended, 18; 19 U.S.C. 160, 173.)

(APP-2-04)

DAVID R. MACDONALD,
Assistant Secretary of the Treasury.

[Published in the FEDERAL REGISTER May 7, 1976 (41 FR 18809)]

(T.D. 76-129)

Foreign currencies—Daily rates for countries not on quarterly list

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,**OFFICE OF THE COMMISSIONER OF CUSTOMS,***Washington, D.C., April 29, 1976.*

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Hong Kong dollar:

April 12, 1976	\$0.2015
April 13, 1976	.2015
April 14, 1976	.2015
April 15, 1976	.2015
April 16, 1976	.2020

Iran rial:

April 12, 1976	\$0.0144
April 13, 1976	.0141
April 14, 1976	.0141
April 15, 1976	.0141
April 16, 1976	.0141

Philippines peso:

April 12-16, 1976	\$0.1330
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Singapore dollar:

April 12, 1976	\$0.4024
April 13, 1976	.4023
April 14, 1976	.4026
April 15, 1976	.4026
April 16, 1976	.4025

Thailand baht (tical): (III-87 C.T.)

April 12-16, 1976----- \$0.0490
(LIQ-3)

WILLIAM E. ROY
for JOHN B. O'LOUGHLIN,
Director,
Duty Assessment Division.

(T.D. 76-130)

Foreign currencies—Certification of rates

Rates of exchange certified to the Secretary of the Treasury by the
Federal Reserve Bank of New York

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 29, 1976.

The Federal Reserve Bank of New York, pursuant to section 522(c),
Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the
following rates of exchange which varied by 5 per centum or more from
the quarterly rate published in Treasury Decision 76-121 for the
following country. Therefore, as to entries covering merchandise
exported on the dates listed, whenever it is necessary for Customs
purposes to convert such currency into currency of the United States,
conversion shall be at the following daily rates:

Italy lira:

April 12, 1976----- \$0.001100
April 13, 1976----- .001115
(LIQ-3)

WILLIAM E. ROY
for JOHN B. O'LOUGHLIN,
Director,
Duty Assessment Division.

[Published in the FEDERAL REGISTER May 7, 1976 (41 FR 18881)]

CUSTOMS

(T.D. 76-131) : (see) tical baht

Foreign currencies—Daily rates for countries not on quarterly list

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York for the Hong Kong dollar, Iran rial, Philippines peso, Singapore dollar, Thailand baht (tical)

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 30, 1976.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified buying rates in U.S. dollars for the dates and foreign currencies shown below. These rates of exchange are published for the information and use of Customs officers and others concerned pursuant to Part 159, Subpart C, Customs Regulations (19 CFR 159, Subpart C).

Hong Kong dollar:

April 19, 1976.....	\$0.2020
April 20, 1976.....	.2020
April 21, 1976.....	.2020
April 22, 1976.....	.2020
April 23, 1976.....	.2030

Iran rial:

April 19, 1976.....	\$0.0141
April 20, 1976.....	.0141
April 21, 1976.....	.0141
April 22, 1976.....	.0141
April 23, 1976.....	.0143

Philippines peso:

April 19, 1976.....	\$0.1330
April 20, 1976.....	.1330
April 21, 1976.....	.1330
April 22, 1976.....	.1330
April 23, 1976.....	.1325

Singapore dollar:

April 19, 1976.....	\$0.4026
April 20, 1976.....	.4026
April 21, 1976.....	.4027
April 22, 1976.....	.4030
April 23, 1976.....	.4015

Thailand baht (tical):
April 19-23, 1976----- \$0.0490
(LIQ-3)

WILLIAM E. ROY
for JOHN B. O'LOUGHLIN,
Director,
Duty Assessment Division.

(T.D. 76-132)

Foreign currencies—Certification of rates

Rates of exchange certified to the Secretary of the Treasury by the Federal Reserve Bank of New York

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, D.C., April 29, 1976.

The Federal Reserve Bank of New York, pursuant to section 522(c), Tariff Act of 1930, as amended (31 U.S.C. 372(c)), has certified the following rates of exchange which varied by 5 per centum or more from the quarterly rate published in Treasury Decision 76-121 for the following country. Therefore, as to entries covering merchandise exported on the dates listed, whenever it is necessary for Customs purposes to convert such currency into currency of the United States, conversion shall be at the following daily rates:

Italy lira:
April 23, 1976----- \$0.001123
(LIQ-3)

WILLIAM E. ROY
for JOHN B. O'LOUGHLIN,
Director,
Duty Assessment Division.

[Published in the FEDERAL REGISTER May 7, 1976 (41 FR 18881)]

(T.D. 76-133)

United States Customs Service Decisions

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,

Washington, D.C., May 4, 1976.

The following decisions have been recently promulgated by the United States Customs Service.

DONALD W. LEWIS,
for LEONARD LEHMAN,
Assistant Commissioner,
Regulations and Rulings.

T.D. 76-133(1): *Valuation—Royalty Payment*

The United States Customs Service has been asked to rule on the issue of whether a royalty payment for the right to use a patented process which, in turn, is an integral part of the foreign assembly of merchandise, is properly a part of constructed value, section 402(d), Tariff Act of 1930, as amended (19 U.S.C. 1401a(d)). This case concerns the dutiable status of certain royalties paid by the importer, an American company, to the United States owner of patents on certain automobile equipment.

According to the royalty agreement executed between the importer and the United States patent holder, the patent holder agreed to grant to the former "a non-exclusive, non-transferable personal and individual right and license to manufacture . . . and sell . . ." The importer agreed to pay the patent holder specified amounts for items "sold by the licensee."

The importer ships United States components to its foreign-owned subsidiary, which uses the patented process in the assembly of the automobile equipment. The basis of appraisement of this merchandise is constructed value.

The importer contends that the royalties which it paid in the past should not have been included in the dutiable value. The reasons stated to support this contention are that the royalty payments are due on the sale of the goods in the United States, and not on their manufacture, and the royalties are not due from or by the foreign assembler. The American company also argues that the royalties are for the right to sell the merchandise as well as to manufacture it. Various cases,

including *United States v. Cavalier Shipping Co.*, 56 C.C.P.A. 117, C.A.D. 965 (1965), are cited to support these arguments.

It is the position of the Customs Service that the royalties are properly included in dutiable value. The royalty payment is for the right to use the patented process which, in turn, is an integral part of the assembly of the merchandise. Without a license to use the patented process, the process could not be used. Therefore, since the royalty is a necessary cost of assembly, it is properly a part of constructed value. The mere deferral of payment of the royalty until sale of the automobile parts in the United States does not change the fact that the payment is a necessary expense in the production of the finished products. In this regard, see the *Cavalier* case, *supra*.

We cannot accept the contention that there is no royalty due since the foreign assembler has no royalty obligations. The courts have consistently ruled that it is immaterial who bears the actual cost of the royalty. In this regard, see *Ford Motor Company v. United States*, A.R.D. 9 (1952), wherein the court said that the purpose of the cost of production statute is to "derive not the manufacturer's actual cost, but the actual cost of manufacture." The case of *Goodrich-Gulf Chemicals Inc. v. United States*, R.D. 11733, (1971), applied the same principle to the constructed value basis of appraisement.

Accordingly, we conclude that the royalty payment for the right to use a patented process which, in turn, is an integral part of the assembly of the merchandise, is properly a part of constructed value.

This ruling is being published pursuant to section 177.10 of the Customs Regulations. (540306)

SALVATORE E. CARAMAGNO,

Director,

Classification and Value Division.

T.D. 76-133(2): *Wearing Apparel—Component Material of Chief Value*

The Customs Service has been asked to determine the component material in chief value of a woman's unornamented coat made of leather and woven textile fabric.

The garment in question is made of cotton, man-made fibers, and leather. The value of the leather exceeds the individual values of the cotton and man-made fiber components, but not their combined value. The value of the man-made fibers exceeds the value of cotton. The importer contends that the merchandise should be classified under the provision for leather wearing apparel not specially provided for in item 791.75, Tariff Schedules of the United States (TSUS). Customs officers at the port of entry have indicated that in their opinion the

imposing Customs Duties as "Customs Tariff and Trade Act, 1947", or C.T.A., 1947.

If it is the position of the Customs Service that the legislature has imposed impositions in suitable areas, the locality concerned is to be liable to duty to the extent imposed by the Customs Service. However, since the legislature is in a position to impose duties on the basis of its assessment of the circumstances, the decree could not be held, if it is imposed a duty on the same article. The main object of the Union State does not appear that that the legislature is a necessary clause in the imposition of the duty.

We cannot accept the conclusion put forth in the Circular that since the legislature has imposed taxes and on behalf of the country, the Courts shall not interfere in this regard, see V.W. Mavalankar v. Central Board of Revenue, 1949 (1950) 1 A.R.D. 6 (1950), wherein the court said that the cost of the collection of taxes must be borne by the Government, a certain sum, paid to the service of the State, see also Gopalkrishna Gopala v. Central Board of Revenue, 1949 (1950) 1 A.R.D. 6 (1950), whereby the same principle to the same effect is followed, see the Circular case, above.

Therefore, we conclude that the locality concerned has no right to tax a particular item of the consumption, if it is an integral part of the service cost of the consumption, as per section 157(1) of the Customs Tariff.

Customs Tariff and Trade Act, 1947 (C.T.A.)

SARVAGORI W. CHATWADCO,

District

Classification and Rates Division

T.O. No. 15/1950 : It is hereby decided—Gwalior—Mewatka, Mewatka of Gwalior Jajpur

The Customs Service has been asked to determine the composition of the classification of goods to which a woman's matrimonial cost may be levied under the Customs Tariff.

This proposal in substance is that to claim a man-wives rights, his wife, the wife of the partner whose individual share of the joint ownership and man-wives rights constitutes, but not their combined value, the man-wives rights exclusive of the other. The value of the man-wives rights exclusive of the other will be determined by the market value of the matrimonial property, but the market value of the matrimonial property will be determined by the market value of the matrimonial property plus the amount of the matrimonial cost. The proposal is to consider whether the market value of the matrimonial property plus the amount of the matrimonial cost is to be determined by the market value of the matrimonial property plus the amount of the matrimonial cost.

merchandise is properly classifiable under the provision for other women's or girls' wearing apparel, of man-made fibers, not ornamented and not knit, in item 382.81, TSUS.

Headnote 1, Subpart 6F, Schedule 3, TSUS, provides "This subpart covers only wearing apparel not specially provided for, of textile materials." Item 382.81 appears in Subpart 6F of Schedule 3. The word "of" is defined in General Headnote 9(f)(i), TSUS, as meaning that an article is wholly or in chief value of a material if that material exceeds in value each other single component material of the article (General Headnote 10(f), TSUS).

The term "textile materials" is defined for tariff purposes by Headnote 2(a), Schedule 3, TSUS, which states generally that the fibers, yarns, and fabrics provided for in Parts 1 through 4 of Schedule 3 constitute "textile materials." The fibers, yarns, and fabrics of cotton and man-made fibers, whether wholly of cotton or wholly of man-made fibers, or of a combination of the two, are classifiable in Parts 1 through 4 of Schedule 3. Therefore, in determining the component material of chief value in a garment consisting of two or more components which are "textile materials" for tariff purposes and a nontextile component, and which is not in chief value of any single textile component, it is proper to combine the value of the textile materials. Applying this rule to the garment in question, the component material in chief value for tariff purposes is "textile materials" and not leather.

However, inasmuch as the subject garment is not in chief value of any of the components specifically named in Subpart 6F, (i.e., cotton, other vegetable fibers, wool, silk, and man-made fibers) it is the position of the Customs Service that the garment is classifiable under the provision in Subpart 6F for other women's or girls' wearing apparel, not ornamented, other, in item 382.87, TSUS, and not under the provision for other wearing apparel of man-made fibers in item 382.81.

This ruling is being published pursuant to section 177.10 of the Customs Regulations.

SALVATORE E. CARAMAGNO,
Director,
Classification and Value Division.

1. This part does not cover:

T.D. 76-133(3): Tariff Classification—Surgical Support Stockings

The Customs Service has been asked to rule on the tariff classification of surgical support stockings in chief value of textile materials. The issue presented is whether this merchandise is classifiable under the provision for "orthopedic appliances, surgical belts, trusses," and

similar articles * * * other," in item 709.57, Tariff Schedules of the United States (TSUS), or under the provisions for articles of textile materials not specially provided for, according to the component material in chief value, in items 386.04—389.70, TSUS. The Customs Service has previously ruled in ORR Ruling 403-68 and in Headquarters letters of April 5, 1968 (471.7), and June 6, 1972 (475.43), that surgical stockings are classifiable either as articles not specially provided for, according to their component material of chief value, or as hosiery.

For tariff classification purposes, a surgical stocking is a leg and foot covering which is made from a heavy gauge, opaque, elasticized fabric with either a one or a two-way stretch, and which is worn as a remedial support of the leg. It is designed for use in post-surgical support and in the treatment of thrombophlebitis, varicosities, edema, and other physical ailments, and is sold either singly or in pairs. It is not the type of merchandise commonly known as support hosiery which can be purchased in a variety of retail stores. Surgical stockings are usually obtained at the direction of a physician at certain medical supply outlets which have personnel specially trained to measure and fit the merchandise to the legs of each individual patient.

The merchandise is similar to surgical belts and trusses in that all three types of articles are utilized in the medical treatment of physical ailments by the exertion of pressure to particular areas of the human body.

The Customs Service believes there is sufficient evidence to conclude that our previous rulings resulted in the incorrect classification of the above-described merchandise. The Tariff Classification Study (1960), Schedule 3, at page 249, contains the statement with reference to the applicability of the provisions for textile articles not specially provided for, that: "Inasmuch as the significant articles of trade have been specially provided for systematically throughout schedule 3 and in a number of special provisions in schedule 7, there seems little likelihood that subpart B of part 7 [textile articles not specially provided for] would cover very much in the way of significant imports." Further, Headnote 1 of Part 6, Schedule 3 (wearing apparel and accessories) provides, in pertinent part, as follows:

1. This part does not cover—

* * * * *

(ii) *surgical stockings, surgical belts, and orthopedic devices or appliances (see part 2B of schedule 7)* (emphasis added).

The hosiery provisions are located in part 6, Schedule 3. We also note that the Tariff Classification Study (1960), Schedule 7, at page 147,

—19700 ton steel ring stiffener

contains the following statement: "Item 709.57 is a 'basket' provision covering a number of articles *presently dutiable at various rates on the basis of their component material of chief value*" (emphasis added).

A review of prior rulings reveals that they are not consistent with the above-cited material. Those decisions appear to be based on the fact that prior to the enactment of the Tariff Schedules of the United States, knit surgical hosiery composed of rubber and other fibers was classified under the provisions of the Tariff Act of 1930, as amended, for articles not specially provided for, according to the component material of chief value.

Based on the clear language of Headnote 1(ii) of Part 6, Schedule 3, it is the position of the Customs Service that surgical stockings were intended to be classified in item 709.57, TSUS. Accordingly, prior rulings are overruled insofar as they would cause surgical support hosiery as described above to be classified as an articles not specially provided for, according to its component material of chief value, or as hosiery in Part 6, Schedule 3. Such merchandise is classifiable in item 709.57, TSUS.

This ruling is being published pursuant to provisions of section 177.10 of the Customs Regulations. (030229)

SALVATORE E. CARAMAGNO,

Director,

Classification and Value Division.

Appellate Decisions

Appellate Rulings Decisions

DETERMINATION OF THE TARIFF RATE, JUNE 26, 1948.

The following extracts of decisions of the Finance Committee of the House of Representatives will be helpful for the information and guidance of the members of Congress in their legislative and other concerns. Although the decisions relate to the interpretation of the laws, they are not binding on the Government, but may be referred to for their assistance in enacting legislation.

COUNSELOR TO THE CHIEF FINANCIAL OFFICER
DEPARTMENT OF COMMERCE

*OCTOBER 22, 1948.

DECISION NUMBER	PLAINTIFF Name & Address	COURT NO.	AMOUNT ASSESSED	AMOUNT HELD	AMOUNT ALLOWED	PORT OF ENTRY AND MERCHANDISE
						BASIS
P76/14	Boe, C.J. April 20, 1976	New York Merchandise Co., Inc. 111 Franklin Street, New York, N.Y. 10036	74-1-00286	Item 706.00 20% / NY 7-104 Dyed OS	Item 774.90 8.5% / NY 7-104 Dyed OS	Adolfo Trading Co. et al v. U.S. (C.A.D. 4487)
P76/15	Richardson, J. April 22, 1976	New York Merchandise Co., Inc. 111 Franklin Street, New York, N.Y. 10036	60/6143	Item 927.53 67.5% + 3% / NY 7-104 Dyed OS	Item 630.21 17.5% + 3% / NY 7-104 Dyed OS	U.S. v. Charleyoy Distribu- tions, Inc. (C.A.D. 1068)
P76/16	Richardson, J. April 22, 1976	U.S. Hobbies, Inc.	72-7-01548	Item 787.90 21%	Item 657.20 11%	Pacific Fast Mail v. U.S. (C.D. 4338)

Decisions of the United States Customs Court

Decisions of the United States Customs Court

Abstracted Reappraisal Decisions

DECISION NUMBER	JUDGE & DATE OF DECISION	PLAINTIFF	COURT NO.	BASIS OF VALUATION	HELD VALUE	PORT OF ENTRY AND MERCHANDISE	
						Basis	Agreed statement of facts
R70110	Re, J. April 20, 1978	Koetion Plywood & Veneer Co., Inc. 147-719-111	R61/22241	Export value less 13% less 6% etc.	Net appraised value less 73%, less packed	U.S. v. Gees Bros. & Co. et al. (C.A.D. 927) B7-17	
R70112	Re, J. April 20, 1978	Mitsubishi Interna- tional Corp.	R61/7662, etc.	American selling price	Appropriate value listed on schedule, attached to decision and judg- ment, in column des- ignated "Claimed Value (Per Pair)"	New York Footwear	

Judgments of the United States Customs Court
in Appealed Cases

APRIL 20, 1976

APPEALS 75-9 and 75-10.—Dana Perfumes Corp. v. United States; United States v. Dana Perfumes Corp.—TOILET PREPARATIONS (CANOE COLOGNE), REAPPRAISEMENT OF—GENERAL EXPENSES—COST OF PRODUCTION.—A.R.D. 320 modified November 13, 1975. C.A.D. 1162 (rehearing denied January 8, 1976).

APRIL 23, 1976

APPEALS 75-2, 75-3, 75-4 and 75-5.—United States v. Consolidated Merchandising Co., et al.—DISMISSEALS FOR LACK OF PROSECUTION—ENTRY OF DECISION AND JUDGMENT—JURISDICTION.—Order of May 30, 1974 (C.R.D. 74-7) and decisions and judgments of June 3, 1974 (Abs. Nos. R74/245, R74/246, R74/247 and R74/248) reversed and remanded January 15, 1976. C.A.D. 1164. Dismissal orders of January 9, 1974 reinstated.

Custome Court

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of the Customs Court

April 1976, 1976

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